PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

The Deadline For Submitting Written Comments On The Following Rulemakings Is October 23, 2002.

IDAPA 02 – DEPARTMENT OF AGRICULTURE 2270 Old Penitentiary Rd, Boise, ID 83712

02-0403-0204, Rules Governing Animal Industry. Provides for certification, inspections, and record keeping for the poultry and ratite industries.

**02-0403-0205, Rules Governing Animal Industry. Establishes timeframes and deadlines regarding Trichomoniasis testing and reporting.

**02-0416-0201, Rules Governing Agriculture Odor Management. Adds definitions, revises requirements and procedures for design and construction for liquid waste systems.

**02-0422-0201, Rules Governing Animal Health Emergencies. New chapter governs procedures, requirements, and the declaration of an animal health emergency in Idaho.

02-0600-0201, Notice of Legislative Action. Complies with state law affecting the legal authority of the rules of the Division of Plant Industries; adds required sections.

02-0606-0201, Rules Concerning Bacterial Diseases of Beans, Phaseolus Species. Repeal of chapter.

02-0606-0202, Rules Governing the Planting of Beans, (Phaseolus) Species, in Idaho. Rewrite of chapter updates rules and adds late fee for applications received after July 1 of each year.

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS

PO Box 83720, Boise, ID 83720-0285
05-0103-0201, Rules of the Idaho Department of Juvenile Correction Custody Review Board. New chapter implements the operations and procedures of the board as required by law.

IDAPA 07 – DIVISION OF BUILDING SAFETY

1090 E. Watertower St., Meridian, ID 83642
07-0301-0201, Rules of Building Safety – General; 07-0302-0201, Rules of the Advisory Board; 07-0303-0201, Rules Governing Manufactured Buildings; 07-0305-0201, Rules Governing Manufactured Homes; 07-0308-0201, Rules Governing Commercial Coaches. Changes to these chapters are made to conform to statutory changes to Idaho Building Code Act under Title 39, Chapter 41, Idaho Code.

07-0306-0201, Rules Governing the Use of the Uniform Building Code. Adopts and incorporates by reference the 2000 International Building Code.

07-0307-0201, Rules Governing Certification. This chapter is being repealed.

07-0307-0202, Rules Governing Certification. New chapter prescribes the use of the 2000 International Energy Conservation Code.

07-0310-0201, Rules Governing the Use of the International Residential Code. New chapter adopts and incorporates by reference the use of the 2000 International Residential Code.

07-0310-0201, Rules Governing the Use of the Life Safety Code. This chapter is being repealed.

07-0312-0201, Rules Governing Manufactured Home Installations. Changes accommodate new or revised provisions relative to foundations contained within the recently adopted 2000 International Building Code and HUD's Permanent Foundations Guide For Manufactured Housing.

IDAPA 08 – IDAHO STATE BOARD OF EDUCATION
PO Box 83720, Boise, ID 83720-0037

08.02.02 - Rules Governing Uniformity: 08-0202-0201-Requires that technology competency must be demonstrated before being granted a renewed certificate. 08-0202-0202-Creates a process for out-of-state certificate holders to obtain an interim three-year, nonrenewable certificate in Idaho. 08-0202-0203-Provides for minimum course standards for teen driver education and separates requirements for commercial and public school programs.

08.02.03 - Rules Governing Thoroughness: 08-0203-0202-Removes requirement that nonpublic students take state tests at their own expense; designates standards tests be called Idaho Standards Achievement Tests, with distinctions by grade level. *08-0203-0203*-Removes general statements of opinion in the preamble; makes adjustments to the Humanities standards and removes separate World History category. *08-0203-0204*—Ensures that Language Arts/Communication standards content knowledge and skills are grade appropriate.

IDAPA 09 – DEPARTMENT OF LABOR 317 W. Main St., Boise, ID 83735

09-0104-0201, Rules of the Benefits Payment Control Bureau. Allows a write-off of minimal overpayment balances when collection costs exceed amount of debt or are overly burdensome administratively and may be excluded.

IDAPA 11 – IDAHO STATE POLICE
PO Box 700, Meridian, ID 83680-0700

11-1101-0201, Rules of the Idaho Peace Officer Standards and Training Council. Defines "prosecutor"; allows Executive Director to waive less serious misdemeanor convictions; clarifies that rules apply to county juvenile probation officers; establishes the "Patrol-to-Detention Transition Academy"; requires officers challenging the academy to complete courses in emergency vehicle operation, arrest techniques, handgun retention, and practical problems; clarifies requirements for various certifications and for reserve certification; enhances and establishes requirements for certification for communications specialist, Master Instructor, and schools utilizing alternate methods of training delivery. methods of training delivery.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION PO Box 25, Boise, ID 83707

13-0103-0201, Public Use of Lands Owned or Controlled by the Department of Fish and Game. Allows dog training and field trials on some department lands.

13-0104-0201, Rules Governing Licensing. Clarifies landowner appreciation and handicapped motor vehicle permit requirements, makes corrections to outfitter allocation tag and deadline.

13-0107-0201, Rules Governing the Taking of Upland Game Animals. Biennial season update and proposed closure of pygmy rabbit season.

13-0109-0201, Rules Governing the Taking of Game Birds. Annual season adjustments for game bird seasons.

13-0113-0201, Rules Governing the Taking of Migratory Birds. Annual season adjustments.

13-0114-0201, Rules Governing Falconry in the State of Idaho. Adds required sections; adjusts the falconry season based on the annual upland game and game bird seasons; allows for field training using artificially propagated birds.

13-0115-0201, Rules Governing the Use of Dogs. Clarifies the distinction between dog training and field trial permits.

13-0116-0201, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. Biennial adjustment of trapping and furbearer seasons.

IDAPA 15 – OFFICE OF THE GOVERNOR IDAHO COMMISSION ON AGING

3380 Americana Terrace, Ste. 120, Boise, ID 83706
15-0101-0201, Rules Governing Senior Services Program. Provides that the assessment instrument utilized by AAAs may be approved by the Commission; clarifies that Case Management shall perform and complete client assessments.

15-0102-0201, Rules Governing Area Agency Adult Protection Programs. Adds a definition; requires AP workers to immediately forward reports to the Department of Health and Welfare that are to be initially reported to the Department; requires AP workers to make referrals to law enforcement in substantiated cases involving serious injury or serious imposition of rights.

15-0121-0201, Rules Governing Older American Act Services. Provides that Area Agencies on Aging rather than service providers shall maintain records required by the Idaho Commission on Aging regarding I&A services provided in their area.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

16-0000-0201, Notice of Legislative Action. Statutory change amended the Social Work Licensing Act and changed the titles of Licensed Certified Social Worker-Private Independent Practice to Licensed Clinical Social Worker, and Licensed Certified Social Worker to Licensed Masters Social Worker.

16-0205-0201, Rules Governing Human Immunodeficiency Virus (HIV) Related Services. New chapter guides the planning and disbursement of funds to provide HIV related services to eligible individuals for the federal Ryan White CARE Act and the state supported AIDS Drug Assistance Program (ADAP).

16-0309-0210, Rules Governing the Medical Assistance Program. Uses the term "participant" to replace "client" and "patient"; allows Regional Medicaid Services program to decide on participant review visits to reduce nursing visit costs; clarifies how a Personal Needs Allowance is determined.

**16-0309-0211, Rules Governing the Medical Assistance Program. Changes maintain consistency of provider qualifications for Intensive Behavioral Intervention services delivered either through a school district or a developmental disabilities agency.

16-0314-0201, Rules and Minimum Standards for Hospitals in Idaho. Changes make rule consistent with the current national standards for hospital care and conform to federal regulations; requires hospitals to take a medical history and perform a physical examination 7 days before or 48 hours after hospital admission.

16-0322-0201, Rules for Licensed Residential and Assisted Living Facilities in Idaho. Adds "or authorized provider" to all sections which refer to a physician; updates the following: definitions; inspection of facilities; unannounced inspections; resident's rights; administrator qualifications; negotiated service agreement; resident's records; menu planning; modified or therapeutic diets; and building construction and physical standards.

**16-0411-0201, Rules Governing Developmental Disabilities Agencies. Clarifies qualifications for Intensive Behavioral Intervention certified providers who deliver services through a Developmental Disabilities Agency.

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

PO Box 83720, Boise, ID 83720-0043

17-0701-0201, Safety Rules for Elevators, Escalators, and Moving Walks. Requires that owners hire a qualified elevator inspector of their choice, provide written notice to the Division of Building Safety of new installations or major alteration or repairs on existing installations and receive and permanently affix a state registration number to that equipment; Division of Building Safety inspector will witness inspections on installations or major alterations or repairs in public schools and in state owned or occupied buildings; adds general requirements for emergency communications and records of oil loss for hydraulic cylinders buried in the ground.

IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY
708½ W. Franklin St., Boise, ID 83702
19-0101-0201, Rules of the Idaho State Board of Dentistry. Requires CPR certification for initial licensure and renewal for dentists, dental specialists and dental hygienists; makes mandatory and increases the administrative fee for anesthesia permit applications, renewals, and reinstatements; provisional license validity cannot exceed 1 year; requires American Board dental specialty certification as of the date of application for specialty licensure in Idaho; requires advance training in anesthesiology within 5 years of application for an anesthesia permit with identified exceptions; and provides for reinstatement of anesthesia permits.

IDAPA 21 – IDAHO DIVISION OF VETERANS SERVICES

320 Collins Rd., Boise, ID 83702
21-0101-0201, Rules Governing Admission, Residency, And Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure. Clarifies certain nursing care eligibility requirements for admission to Idaho State Veterans Homes and that nursing care residents pay a \$100 security deposit.

21-0102-0201, Rules Governing Emergency Relief for Veterans. Changes eligibility requirements and clarifies who can receive Division emergency grants; gives authority to Division administrator to waive certain emergency grant requirements; improves fiscal management; and clarifies who may make requests for reimbursement for state service officer training.

21-0103-0201, Rules Governing Medicaid Qualified Units in Idaho State Veterans Homes. Changes requirement that all veterans homes must charge the same; provides a mechanism for veterans homes to write off uncollectable debts.

21-0104-0201, *Rules Governing the Idaho State Veterans Cemetery*. Establishes rules for the operation and maintenance of Idaho's new State Veterans Cemetery.

IDAPA 22 – IDAHO STATE BOARD OF MEDICINE PO Box 83720, Boise, Idaho 83720-0058

**22-0101-0201, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Surgery. Defines requirements for continuing education for physicians; specifies the number of hours of education required in a two-year license cycle; identifies acceptable alternatives to and the method for reporting continuing education.

22-0103-0201, Rules for the Licensure of Physician Assistants. Updates the physician assistants' scope of practice; tightens education requirements for a baccalaureate degree and physician assistant program; more clearly defines a graduate physician assistant and imposes time limits for completion of requirements for full licensure; addresses supervision of physician assistants who render care during a disaster or emergency.

22-0105-0201, Rules Governing Licensure of Physical Therapists and Physical Therapist Assistants. Changes term of office of the Physical Therapy Advisory Committee chairman; clarifies process and requirements for applicants who fail the examination, who apply for licensure by endorsement, and for reinstating an expired license. 22-0109-0201, Rules for the Licensure of Occupational Therapists and Occupational Therapists Assistants. Adds required sections; clarifies requirements for licensure and fees for reinstatement of inactive to active licenser; allows Board to collect costs for extraordinary expenses related to license application; adds Occupational Therapy Code of Ethics.

22-0113-0201, Rules for the Licensure of Dietitians. Add required sections; adds definitions; allows for provisional licensure; clarifies fees for reactivation of an inactive license; requires current certification by the CDR for license renewal.

IDAPA 23 – IDAHO STATE BOARD OF NURSING PO Box 83720, Boise, ID 83720-0061

23-0101-0202, Rules of the Idaho State Board of Nursing. Consolidates and renumbers existing rules and provides additional clarification and structure; replaces detailed listing of nursing functions for each category of licensure with a standard or model for decision making within a particular scope of process.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES
1109 Main St., Suite 220, Boise, ID 83702
24-0301-0201, Rules of the State Board of Chiropractic Physicians. Changes expiration date and reinstatement of licenses and establishes requirement for licenses canceled over 5 years.

24-0401-0201, Rules of the Idaho State Board of Cosmetology. Clarifies high school education equivalent to be any test approved by the Department of Education; clarifies working floor space in a primary and contiguous establishment; establishes that no original license fee is required for relocation of a contiguous establishment within the same primary establishment; establishes requirements for: out of business shop; practical and written reexamination for cosmetology, electrology, esthetics and nail technician; and for instructor reexamination.

24-0501-0201, Rules of the Board of Environmental Health Specialist Examiners. Repeal of chapter.

24-0901-0201, Rules of the Board of Examiners of Nursing Home Administrators. Deletes the reference under nursing home administrator-in-training requirement to the facility administrator not being the preceptor.

24-1101-0201, Rules of the State Board of Podiatry. Updates the incorporation by reference; deletes reference to annual renewal date; changes passing grade on examination to 70%; and the American Podiatric Medical Association's Code of Ethics will be the standards of ethical practice.

24-1201-0201, Rules of the State Board of Psychologist Examiners. Adds that the reexamination fee shall be that charged by the national examining entity plus a \$25 processing fee; changes reciprocity fee to endorsement fee.

24-1201-0202, Rules of the State Board of Psychologist Examiners. Allows a one-year carryover of continuing education hours; deletes unnecessary record keeping requirement; requires the training faculty to be on site and of adequate size; clarifies the definition of a professional psychology program.

24-1401-0201, Rules of the State Board of Social Work Examiners. Adds Bureau contact information; deletes obsolete social work classifications and establishes current classifications and definitions per statute; adds the board/bureau contract is to include investigative, legal and fiscal responsibilities; clarifies reimbursement expenses for board members; deletes that expired licenses will cancel on July first; updates the classifications under fees; changes board meeting dates and frequency; clarifies endorsement requirements; changes application deadline date; clarifies continuing education requirements.

24-1501-0201, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists. Adds an incorporated document; adds postgraduate supervision requirement to be effective 7-1-04; establishes counselor supervisor requirements; establishes acceptable supervised experience and consolidates continuing education rules for counselors and therapists; deletes rules for conditional counseling license; establishes requirements for registered interns.

24-1601-0201, Rules of the State Board of Denturitry. Adds administrative appeals, incorporation by reference, and public records sections and contact information; defines Bureau; allows board to determine when to meet and when to have examinations; adds a theory examination; establishes grading and reexamination requirements; sets reexamination fee.

24-1701-0201, Rules of the State Board of Acupuncture. Adds administrative appeals, incorporation by reference, public records sections and contact information; defines Bureau; adds certification from NCCAOM as a licensure requirement; changes renewal of license and continuing education requirements; establishes continuing education waiver for an inactive license.

24-1801-0201, Rules of the Real Estate Appraiser Board. Updates incorporation by reference document.

24-1901-0201, Rules of the Board of Examiners of Residential Care Facility Administrators. Redefines courses approved for continuing education; changes renewal license requirements; increases the license application fee to \$50 and deletes reference to recertification in annual renewal fee.

24-1901-0202, Rules of the Board of Examiners of Residential Care Facility Administrators. Requires applicants for examination to register with and pay the examination fee to NAB; deletes the contents of examination; establishes that NAB will determine passing exam score; deletes requirement for retakes; adds approved courses of study to qualify for licensure.

IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD

1365 North Orchard, Suite 172, Boise, ID 83706
25-0101-0202, Rules of the Outfitters and Guides Licensing Board. Defines "administrative noncompliance" regarding license renewals and incomplete applications and as unethical/unprofessional conduct; "Trainees Under Supervision" are boat trainees; clarifies that guides must have first aid cards in possession while guiding; an outfitters using another's equipment must notify board and show proof of non-owner liability insurance; establishes a single deadline for outfitter license application review and review of amended license applications; requires outfitter's name to be visible on boats being used by that outfitter; provides for a reduction in the guide ratio for guided snowmachine activities; allows Executive Director to suspend or revoke temporary authorizations, licenses and license amendments with the concurrence of the Board and to issue a temporary authorization to an applicant pending final approval and issuance of a license.

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION
PO Box 83720, Boise, ID 83720-0065
26-0120-0201, Rules Governing the Administration of Park and Recreation Areas and Facilities. Adds definitions; describes compliance requirements and penalties for non-compliance; outlines park and campground requirements for use, reservations, and fees and moorage use and fees; provides for designation of proper livestock use areas through proper signing; addresses the protection of wildlife and the protection of historical, cultural and natural resources; clarifies the authority for personal safety and use of firearms; gives direction for dealing with abandoned property; deletes numerous obsolete sections.

IDAPA 27 – BOARD OF PHARMACY
PO Box 83720, Boise, ID 83720-0067
27.01.01 - Rules of the Idaho Board of Pharmacy: 27-0101-0202-Conforms to statutory changes and allows Schedule II controlled substance prescriptions to be filled within 30 days after date of issue. 27-0101-0203-Clarifies that students enrolled in pharmacy technician training courses and volunteers at hospital pharmacies may register and be authorized to act as pharmacy technicians without being formally employed by the pharmacy; changes definition of pharmacy technician. 27-0101-0204-Allows continuing education units earned during June of any given licensing period to be carried over into the next licensing period to the extent the pharmacist's total hours for the given licensing period exceed that required by the rules.

IDAPA 31 – PUBLIC UTILITIES COMMISSION PO Box 83720, Boise, ID 83720-0074

31-2101-0201, The Utility Customer Relation Rules. Comment by: 9/25/02. Provides additional reasons for a utility to require a deposit from a residential customer or applicant and allows a utility to terminate service after normal business hours if the utility is unable to access the customer's meter during normal business hours.

IDAPA 33 – IDAHO REAL ESTATE COMMISSION
PO Box 83720, Boise, ID 83720
33.01.01 - Rules of the Idaho Real Estate Commission: **33-0101-0201 - Deletes definitions that are now in statute; changes requirement regarding display of license certificates in branch offices. **33-0101-0202 - Eliminates requirements that IREC collect a \$10 "administration fee" for handling the Errors and Omissions Group Insurance applications and that licensees file their "certificates of coverage" with the Commission, providing for self-certification subject to audit by the Commission.

**33-0102-0201, Rules of Practice and Procedure of the Idaho Real Estate Commission Governing Contested Cases. Distinguishes the functions of investigator, prosecutor, and adjudicator and defines the roles and prohibited contacts for each; sets forth the procedure for submission of the Executive Director's investigation report to the Commissioners; expands the scope of discovery; and clarifies rights to disqualify the hearing officer designated by the agency.

IDAPA 35 – STATE TAX COMMISSION
PO Box 36, Boise, ID 83722
35-0101-0201, Income Tax Administrative Rules. Updates incorporation by reference documents and various references of Idaho Code; numerous changes conform to statutory changes and delete obsolete sections and references; addresses the residency status of a qualified funeral trust; identifies the tax rates and income tax brackets for tax years beginning in 1987 through 2002; lists the adjustment for deductions related to nonbusiness income as an adjustment required only of multistate corporations, S corporations and partnerships; clarifies and updates allowable health care and insurance deductions, capital gains deductions, new employee credits, and grocery credits; addresses statute of limitations in the case of a duplicate return and to define what constitutes a duplicate return.

35-0102-0202, Sales and Use Tax Administrative Rules. Clarifies that sales of used modular buildings are not exempted from tax; clarifies which senior citizen centers being bought or sold qualify for the tax exemption per statute and that a long-term care facility does not qualify for the exemption; clarifies that a business qualifying for the exemption may produce either radio or television programs and that cable companies do not produce television programs and would not qualify. 35-0105-0201, Motor Fuels Tax Administrative Rules. Updates references and deletes obsolete rules and references; clarifies how fuel distributors are to report deductions for ethanol and biodiesel; combines the fuel use tax reporting for gasoline and special fuels under motor fuels; adds statute of limitations for filing fuel tax refund claims; clarifies that IFTA licensees must claim IFTA nontaxable miles.

**35-0105-0202, Motor Fuels Tax Administrative Rules. Adds a standard power take-off or auxiliary engine allowance for concrete pumping trucks; adds rule for requirements for claiming a refund of the special fuels tax for special fuels consumed by a motor vehicle while idling off-highway.

35-0201-0201, Tax Commission Administration and Enforcement Rules. Identifies the interest rate for the calendar year 2003; addresses net operating loss and capital loss carrybacks and their effect on computing penalties; updates code references; adds agencies and officials with whom information may be exchanged.

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

1301 N. Orchard, Boise, ID 83706
37-0203-0201, Water Supply Bank Rules. Provides for deposit of water bank rental funds received from federal agencies into the federal grant fund.

**37-0303-0202, Rules and Minimum Standards for the Construction and Use of Injection Wells in the State of Idaho. Implements the new federal requirements concerning large capacity cesspools and motor vehicle waste disposal

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT PO Box 7129, Boise ID 83707-1129

39-0273-0201, Rules Governing Accident Prevention Course. Removes the prohibition on self-instructed courses and requirement that accident prevention courses be comprised of classroom or field driving instruction.

39-0346-0201, Rules Governing Studded Tires. Extends the allowable date for use of studded tires to April 30.

39-0360-0201, Rules Governing Outdoor Advertising. Addresses the regulation of electronic advertising signs to meet the needs of the outdoor advertising industry while protecting the safety of the traveling public; clarifies the definition of commercial activity so that only legitimate commercial and industrial sites qualify as sign locations.

IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION PO Box 83720, Boise, ID 83720-0096

47-0101-0201, General Administration (Rules of the Division of Vocational Rehabilitation). Rewrite of chapter incorporates all Division rules into one chapter and changes name.

47-0102-0201, Field Services; 47-0103-0201, Management Services. These chapters are being repealed.

IDAPA 48 – DEPARTMENT OF COMMERCE
PO Box 83720, Boise ID 83720-0093

48-0103-0201, Rules of the Idaho Regional Travel and Convention Grant Program. Revises and streamlines the existing rules in Figure 1 and Figure 1 and Figure 2 and Figure 2 and Figure 2 and Figure 2 and Figure 3 and Figure for electronic delivery.

IDAPA 56 - IDAHO RANGELAND RESOURCES COMMISSION PO Box 126, Emmett, ID 83617

56-0101-0201, Rules of Administrative Procedure of the Idaho Rangeland Resources Commission. Creates a beginning date for commissioners' terms of appointment and clarifies that these terms continue until appointment of a successor.

**PUBLIC HEARINGS HAVE BEEN SCHEDULED FOR THESE DOCKETS.

Please refer to the Idaho Administrative Bulletin, October 2, 2002, Volume 02-10 for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

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